

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RAPHAEL MENDEZ,

Civil No. 17-3768 (JRT/SER)

Plaintiff,

v.

ORDER

FMC ROCHESTER, Minnesota Employees
and Office Titles AS: ACTING WARDEN et
al; SIS COMMUNICATION MONITORING
SYSTEM et al,

Defendants.

Raphael Mendez, 01649-094, FMC Rochester, PMB 4000, Unit ½, Rochester,
MN 55903, *pro se* plaintiff.

A Report and Recommendation was filed by Magistrate Judge Steven E. Rau on September 27, 2017 [Docket No. 8]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, the Court ADOPTS the Report and Recommendation of the Magistrate Judge dated September 27, 2017 [Docket No. 8]. Accordingly, **IT IS HEREBY ORDERED** that:

1. This action be DISMISSED without prejudice.
2. Plaintiff Mendez's application for leave to proceed *in forma pauperis* (Docket Nos. 2-3) be DENIED as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 12, 2017
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court